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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,087	01/13/2004	Jerry Iggulden	3944P013X	3552

8791 7590 08/17/2005

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,087	Applicant(s) IGGULDEN ET AL.	
	Examiner Stella L. Woo	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6, 8-12, 15, 19, 23, 24, 26-30, 33, 36, 38-43, 46, 50, 52-56 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-6, 8-12, 15, 19, 23-24, 26-30, 33, 36, 38-43, 46, 50, 52-56, 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on March 24, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,256,378 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-12, 15, 19, 26-30, 33, 36, 38-43, 46, 50, 52-56, 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Kominami et al. (US 2003/0152088 A1, hereinafter “Kominami”) for the same reasons given in the last Office action and repeated below.

Regarding claims 1, 19, 36, 38, 50, Kominami discloses a method for setting a programmable feature of a motor vehicle (vehicle 10) comprising:

providing an interactive site on a global computer network (vehicle preference manager website 52);

establishing a connection with the interactive site (via computer 50 and Internet connection; page 4, paragraph 53);

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interactively setting a programmable feature of the motor vehicle (user selects preference settings for vehicle accessory devices using software downloaded via website 52; page 4, para. 53);

providing a transfer device having an input port and an output port (PDA 12 includes an input port (connection to PC 50; Fig. 2) and an output port (transceiver 18 of PDA 12 connects with transceiver 16 of vehicle 10; page 2, para. 36; page 4, para. 54);

transferring set-up data (PDA 12 receives the data from the website via computer 50; page 4, para. 53);

transferring the set-up data from the output port of the transfer device to the motor vehicle (PDA 12 transmits user preference data to the vehicle 50 via transceiver 18; page 4, para. 54).

Regarding claims 8, 26, 39, 52, preference data includes navigation system destination setting (page 5, para. 57, lines 11-12).

Regarding claim 9, 27, 40, 53, preference data includes a communication function (alarm, security, audio and display control setting; voice activation; page 5, para. 57).

Regarding claims 10, 28, 41, 54, preference data includes radio and TV station setting (page 5, para. 57, line 12).

Regarding claims 11, 29, 42, 55, preference data includes climate control (page 5, para. 57, line 8).

Regarding claims 12, 30, 43, 56, preference data includes user-assigned function (memory seat, memory mirror, adjustable steering column, etc.; page 5, para. 57).

Regarding claims 15, 33, 46, 59, preference data includes a display control setting (page 5, para. 57, line 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kominami in view of Elmers et al. (US 5,850,304) for the same reasons given in the last Office action and repeated below.

Kominami differs from claims 5-6, 23-24 in that it does not teach an optical sensor. However, Elmers teaches the well known use of an optical sensor (photodetector within controller 12 receives light pulses from a computer display 11, converts the optical data into bits which are then transmitted to another device; col. 5, lines 3-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of an optical sensor, as taught by Elmers, within the transfer device of Kominami as another means of receiving and transmitting user preference data.

Response to Arguments

6. Applicant's arguments filed March 24, 2005 have been fully considered but they are not persuasive.

Applicant argues that "the claims remaining in the subject application are supported in the '378 patent and reliance on the Kominami reference as intervening prior art is improper."

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However, the '378 patent merely mentions automobile sound systems and automobile HVAC systems among a list of twenty various appliances. It does not provide any disclosure as to how the set-up data is transferred from the output port of the transfer device to a motor vehicle.

Therefore, the '378 patent does not provide enabling support for the claims recited in the present application.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

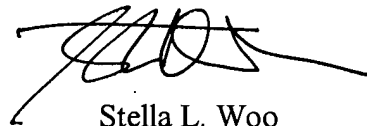
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a long horizontal line extending to the right.

Stella L. Woo
Primary Examiner
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